



CT Corporation

Service of Process

Transmittal

08/29/2016

CT Log Number 529752752

TO: Registered Agent Department
Business Filings Incorporated (Recipient Account Only)
8020 Excelsior Dr Ste 200
Madison, WI 53717-1998

RE: **Process Served in Missouri**

FOR: Stellar Recovery, Inc. (Domestic State: FL)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: DEBRA KLEIN, Pltf. vs. STELLAR RECOVERY, INC., Dft.
Name discrepancy noted.

DOCUMENT(S) SERVED: Summons, Petition

COURT/AGENCY: St. Charles County Circuit Court, MO
Case # 1611AC03568

NATURE OF ACTION: Violations of the Consumer Protection Act, The Collection Agency Act, The Telephone Consumer Protection Act and the Fair Debt Collection Practices Act, Inter Alia - Seeking Injunctive Relief

ON WHOM PROCESS WAS SERVED: Business Filings Incorporated, Clayton, MO

DATE AND HOUR OF SERVICE: By Process Server on 08/29/2016 at 13:24

JURISDICTION SERVED : Missouri

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): Dominic M. Pontello,
Pontello Law, LLC
5988 Mid Rivers Mall Dr., Suite 114
St. Charles, MO, MO 63304
636-541-7673

ACTION ITEMS: CT has retained the current log, Retain Date: 08/29/2016, Expected Purge Date:
09/03/2016
Image SOP
Email Notification, Registered Agent Department ctsop@bizfilings.com

SIGNED:
ADDRESS: Business Filings Incorporated
120 South Central Avenue
Suite 400
Clayton, MO 63105

TELEPHONE: 314-863-5545



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: NORMAN C STEIMEL III	Case Number: 1611-AC03568
Plaintiff/Petitioner: DEBRA KLEIN	Plaintiff/Petitioner's Attorney/Address: DOMINIC M PONTELLO PONTELLO LAW LLC 5988 MID RIVERS MALL DR, STE 114 SAINT CHARLES, MO 63304 (636) 541-7673
vs.	
Defendant/Respondent: STELLAR RECOVERY	Date, Time and Location of Court Appearance: 30-SEP-2016, 09:00 AM DIVISION 10 COURTROOM 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: AC Other Tort	
(Date File Stamp)	

Associate Division Alias SummonsThe State of Missouri to: **STELLAR RECOVERY**

**BUSINESS FILINGS INTERNATIONAL
REGISTERED AGENT
120 SOUTH CENTRAL AVE, STE 400
CLAYTON, MO 63105**



You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

08/24/16
Date

/S/ Judy Zerr
Circuit Clerk

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

- delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
- (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
- other _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ _____

Supplemental Surcharge \$ _____ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

1611-AC03568

IN THE CIRCUIT COURT
SAINT CHARLES COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

DEBRA KLEIN,

Plaintiff,

v.

STELLAR RECOVERY, INC.

Serve at:

Business Filings International., R/A
120 South Central Avenue, Suite 400
Clayton, MO 63105

Defendant.

) Cause No.

) Division

) **JURY TRIAL DEMANDED**

PETITION

COMES NOW, Plaintiff, Debra Klein, and for her Petition states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 USC 1692 *et. Seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.
2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k (d) because the illicit collection activity was directed at Plaintiff in Saint Charles County, Missouri.

PARTIES

4. Plaintiff is a natural person currently residing in Saint Charles County, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA. The debt Plaintiff allegedly owes

arises out of consumer, family, and household transactions.

5. Specifically, Plaintiff believes the alleged debt arose from a Comcast cable/internet account.

6. Defendant is a foreign corporation with its principal place of business in Jacksonville, FL. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

7. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a "debt collector" as defined by the FDCPA. 15 U.S.C. §1692a (6).

FACTS

8. Defendant's collection activity of which Plaintiff complains occurred within the previous twelve (12) months.

9. Defendant's illicit collection activity consisted of a phone call with Plaintiff.

10. On or about May 18, 2016, Plaintiff obtained a copy of her credit report from each of the three major credit reporting agencies through CIN Legal Data Services at CINlegal.com.

11. The credit report indicated an alleged debt of \$176.00, claimed to be originating from the "original creditor" "11 COMCAST", and claimed to be in collections with Defendant with a contact telephone number of "800-954-0226."

12. On or about May 18, 2016, Plaintiff called 800-954-0226, the phone number listed for Defendant on the Plaintiff's credit report. The purpose of Plaintiff's phone call was to find out more information about the alleged debt to Comcast that was listed on her credit report, to find out who Defendant was, and, to find out more information about Defendant's purported relation to the alleged debt.

13. During the May 18, 2016 phone call, Plaintiff informed Defendant that she was represented by the undersigned attorney with regards to the alleged debt.

14. During the May 18, 2016 phone call, after Plaintiff informed Defendant that she was represented by the undersigned attorney, Defendant continued its attempts to collect the debt, asking Plaintiff for information pertinent to debt collection, specifically asking for Plaintiff's mailing and email address, and for Plaintiff's phone number.

Violations of the FDCPA

15. Defendant's collection communication after it had notice that Plaintiff was represented by an attorney with respect to its alleged debt was a prohibited communication in violation of 15 U.S.C. §1692c(a)(2), which prohibits a debt collector from communicating with a consumer in connection with the collection of any debt if the debt collector knows the consumer is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney's name and address.

16. Defendant's collection attempts have caused Plaintiff to incur actual damages including but not limited to anxiety, sleeplessness, and worry.

COUNT I: VIOLATION OF THE FDCPA

17. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

18. In its attempt to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. 1692 et. seq., including, but not limited to, the following:

a. Engaging in prohibited debt collection communication with a consumer known to be represented by an attorney with respect to such debt. 15 U.S.C. § 1692c(a)(2).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Release of the alleged debt;
- D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. 1692(k); and
- E. For such other relief as the Court may deem just and proper.

Respectfully submitted by,

Pontello Law, LLC

/s/ Dominic M. Pontello
Dominic M. Pontello, #60947
Attorney for Plaintiff
5988 Mid Rivers Mall Dr., Suite 114
St. Charles, MO 63304
(636) 541-7673
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